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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/704,179  | 11/01/2000  | Robert P. St. Pierre | SMQ-038             | 2696             |
| 959   | 7590        | 06/16/2005           | EXAMINER            |                  |
| LAHIVE & COCKFIELD, LLP.<br>28 STATE STREET<br>BOSTON, MA 02109 |             |                      | NGUYEN, THU HA T    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2155                |                  |

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/704,179

Applicant(s)

ST. PIERRE, ROBERT P.

Examiner

Thu Ha T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims **1- 36** are presented for examination.

### **Response to Arguments**

2. Applicant's arguments with respect to claim 1-36 have been considered but are moot in view of the new ground(s) of rejection.

### **Double Patenting**

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-2, 4, 6-19, 20-22, 24-33, and 35-36 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,874,012. Although the conflicting claims are not

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identical, they are not patentably distinct from each other because of the following reasons:

5. As to claims 1, 19 and 35 of instant application, claims 1 of patent recites all limitations in claims 1, 19 and 35. The claim invention in the instant application is fully disclosed in the copending application and it is broader than the claim invention in the copending application. No new invention or new improvement is being claimed in the instant application. Applicants are now attempting to claim broadly that which had been previously described in more detail in the claims of the copending application (*In re Van Ornum*, 214 USPQ 761 CCPA 1982).

6. As to claims 2 and 36, claim 2 of patent recites all limitations of claims 2 and 36.

7. As to claims 4 and 22, claims 3-5 of patent recites all limitations of claims 4 and 22.

8. As to claims 6 and 21, claim 7 of patent recites all limitations of claims 6 and 21.

9. As to claims 8 and 24, claim 6 of patent recites all limitations of claims 8 and 24.

10. As to claims 9 and 25, claim 7 of patent recites all limitations of claims 9 and 25.

11. As to claims 10 and 26, claim 8 of patent recites all limitations of claims 10 and 26.

12. As to claims 11 and 27, claim 9 of patent recites all limitations of claims 11 and 27.

13. As to claims 12 and 28, claim 10 of patent recites all limitations of claims 12 and 28.

14. As to claims 13 and 29, claim 11 of patent recites all limitations of claims 13 and 29.

15. As to claims 14 and 30, claim 12 of patent recites all limitations of claims 14 and 30.

16. As to claims 15 and 31, claim 14 of patent recites all limitations of claims 15 and 31.

17. As to claims 17 and 33, claim 13 of patent recites all limitations of claims 17 and 33.

18. Each of the patent claims is narrower than the claims in the instant application. It would have been obvious to one of ordinary skill in the art at the time the invention was made to omit elements when the remaining elements perform as before. A person of ordinary skill could have arrived at the present claims by omitting the details of the copending claims. See *In re Karlson* (CCPA) 136 USPQ 184, decided January 16, 1963 ("Omission of element and its function in combination is obvious expedient if remaining elements perform same function as before").

**Claim Rejections - 35 USC 103**

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 1-36 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Nawaz et al.** (hereinafter Nawaz) U.S. Patent No. **6,421,694**, and **Davidson et al.** (hereinafter Davidson) U.S. Patent No. **6,246,693**, further in view of **Ishibashi et al.** (hereinafter Ishibashi) U.S. Patent No. **6,360,152**.

21. As to claim 1, Nawaz teaches the invention as claimed, including a method for displaying messages on a display device (figure 7, element 250), said messages originating from a plurality of networked electronic devices communicating with the display device over a network (figure 7, elements 256, 258, 260, 262, 264), said method comprising the steps of:

providing a protocol to enable a plurality of networked devices to send messages to a display device (col. 1, lines 55-60, col. 3, lines 26-46, col. 9, lines 29-48, col. 15, lines 46-56); and

registering a selected one of said networked electronic devices with said display device, prior to said display device displaying any messages from said selected

networked electronic device (col. 7, lines 35-43, col. 10, lines 9-58, col. 11, lines 39-56).

Nawaz teaches the clients register with servers in order to communicate with each other. This feature deems to be inherent with the system because in a client-server environment, multiple servers are connected to a client and interchangeable. The client (read as display device) registers with a server (networked electronic device) can be interchangeable for a server registers with a client, vice versa. Since both client and server have to register in order to communicate and exchange information with each other.

However, Nawaz does not explicitly teach the feature of creating a separate priority message queue.

Davidson teaches a plurality of priority queue (col. 18, lines 43-52). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate a plurality of priority queues, as disclosed by Davidson, into Nawaz system in order to avoid collision between messages (Davidson col. 3, lines 4-15).

Ishibashi teaches creating a priority message queue on the display device for each networked electronic device that is registered with said display device for each network electronic device registered with the display device, each priority message queue having a priority level assigned to it based on the identity of the registered networked electronic device, each display message received by the display device from a registered networked electronic device being placed in the priority message queue that is assigned to said networked electronic device (figure 6, col. 3, lines 19-48, col. 11, line 61-col. 12, lines 49). It would have been obvious to one of ordinary skill in the art at

the time of the invention was made to incorporate the teaching of Ishibashi into Nawaz and Davidson system because it would have provided an efficient system to achieve higher performance and also enhance development efficiency (see Ishibashi col. 3, lines 5-18).

22. As to claim 2, Nawaz teaches the invention as claimed, wherein the network is an Internet Protocol (IP) based network (col. 1, lines 55-60).

23. As to claim 4, Nawaz teaches the invention as claimed, wherein a plurality of networked electronic devices register with said display device (col. 10, lines 9-58). Nawaz teaches the clients register with servers in order to communicate with each other. This feature deems to be inherent with the system because in a client-server environment, multiple servers are connected to a client and interchangeable. The client (read as display device) registers with a server (networked electronic device) can be interchangeable for a server registers with a client, vice versa. Since both client and server have to register in order to communicate and exchange information with each other

24. As to claim 5, Nawaz teaches the invention as claimed, wherein said registering further comprises: sending to the display device a text string representing a device name for the selected networked electronic device (col. 7, lines 35-43, col. 11, lines 39-56).



25. As to claim 6, Nawaz teaches the invention as claimed, wherein said method further comprises the step of: sending to the display device a graphical image representing the selected networked electronic device (col. 12, lines 65-col. 13, lines 4).

26. As to claim 7, Nawaz teaches the invention as claimed, said method comprising the additional steps of:

receiving a display message at the display device from a given one of the networked electronic devices (abstract, col. 11, lines 39-col. 12, lines 14); and

placing the received display message in the priority message queue for the given networked electronic device (col. 9, lines 49-62, col. 11, lines 30-38, col. 12, lines 15-37).

27. As to claim 8, Nawaz teaches the invention as claimed, wherein said received display message in the message queue for the given networked electronic device contains text (col. 1, lines 45-54, col. 7, lines 35-43, col. 11, lines 39-56).

28. As to claim 9, Nawaz teaches the invention as claimed, wherein said received display message in the message queue for the given networked electronic device contains a graphical image (col. 12, lines 65-col. 13, lines 4).

29. As to claim 10, Nawaz teaches the invention as claimed, wherein said received display message for the given networked electronic device contains both text and a graphical image (col. 1, lines 45-54, col. 7, lines 35-43, col. 11, lines 39-56, col. 12, lines 65-col. 13, lines 4).

30. As to claim 11, Nawaz teaches the invention as claimed, said method comprising the additional steps of providing a priority level for each display message sent from the given networked electronic device to the display device (col. 11, lines 30-col. 12, lines 37). Davidson teaches creating a unique message ID identifying each message placed in said priority message queue of said given networked electronic device (col. 11, lines 41-58).

31. As to claim 12, Nawaz teaches displaying said selected message on said display device (col. 11, lines 30-col. 12, lines 37). Davidson teaches selecting a highest priority message queue among the priority message queues, said priority message queue containing at least one message; selecting from within said highest priority message queue a message with the highest message priority level (col. 19, lines 13-27).

32. As to claim 13, Davidson teaches sending a request to said display device from a registered networked electronic device that is registered with the display device

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to remove a message from the priority message queue of said registered networked electronic device (col. 19m lines 49-54).

33. As to claim 14, Davidson teaches sending a list of Message IDs appearing in a priority message queue from said display device to a particular networked electronic device registered with said display device in response to a request from said particular networked electronic device (col. 11, lines 40-58, col. 20, lines 44-67).

34. As to claim 15, Davidson teaches sending a status message providing a current status of a message in a priority message queue from said display device to a registered networked electronic device registered with said display device in response to a request from said registered networked electronic device (col. 19, lines 28-38).

35. As to claim 16, Nawaz teaches the invention as claimed, including display instructions as part of the display message sent to said display device by the given networked electronic device registered with said display device (col. 9, lines 29-62, col. 11, lines 39-col. 12, lines 14).

36. As to claim 17, Nawaz teaches the invention as claimed, said method comprising the additional step of: unregistering said given networked electronic device registered with said display device (col. 10, lines 9, lines 18).

37. As to claim 18, Nawaz teaches the invention as claimed, wherein said messages are written using the using the extensible markup language (XML) (col. 1, lines 61-col. 2, lines 36, col. 11, lines 39-col. 12, lines 14).

38. As to claim 19, Nawaz teaches the invention as claimed, including a method for displaying messages on a display device, said messages originating from a plurality of networked electronic devices, said networked electronic devices interfaced with a network located in a motor vehicle, said method comprising the steps of:

providing a protocol to enable multiple networked devices to send messages to a display device (col. 1, lines 55-60, col. 3, lines 26-46, col. 9, lines 29-48, col. 15, lines 46-56); and

registering a selected one of said networked electronic devices with said display device, prior to said display device displaying any messages from said selected networked electronic device (col. 7, lines 35-43, col. 10, lines 9-58, col. 11, lines 39-56). Nawaz teaches the clients register with servers in order to communicate with each other. This feature deems to be inherent with the system because in a client-server environment, multiple servers are connected to a client and interchangeable. The client (read as display device) registers with a server (networked electronic device) can be interchangeable for a server registers with a client, vice versa. Since both client and server have to register in order to communicate and exchange information with each other.

However, Nawaz does not explicitly teach the feature of creating a separate priority message queue.

Davidson teaches a plurality of priority queue (col. 18, lines 43-52). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate a plurality of priority queues, as disclosed by Davidson, into Nawaz system in order to avoid collision between messages (Davidson col. 3, lines 4-15).

Ishibashi teaches creating a priority message queue on the display device for each networked electronic device that is registered with said display device for each network electronic device registered with the display device, each priority message queue having a priority level assigned to it based on the identity of the registered networked electronic device, each display message received by the display device from a registered networked electronic device being placed in the priority message queue that is assigned to said networked electronic device (figure 6, col. 3, lines 19-48, col. 11, line 61-col. 12, lines 49). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Ishibashi into Nawaz and Davidson system because it would have provided an efficient system to achieve higher performance and also enhance development efficiency (see Ishibashi col. 3, lines 5-18).

39. As to claim 20, Nawaz teaches the invention as claimed, wherein said method further comprises the step of: registering a selected one of said networked electronic devices with said display device, prior to said display device displaying any

messages from said selected networked electronic device, and sending a text string representing a device name to the display device from the selected networked electronic device as part of said registration (col. 7, lines 35-43, col. 10, lines 9-58, col. 11, lines 39-56). Nawaz teaches the clients register with servers in order to communicate with each other. This feature deems to be inherent with the system because in a client-server environment, multiple servers are connected to a client and interchangeable. The client (read as display device) registers with a server (networked electronic device) can be interchangeable for a server registers with a client, vice versa. Since both client and server have to register in order to communicate and exchange information with each other.

40. As to claim 35, Nawaz teaches the invention as claimed, including a computer-readable medium for use with a display device with a network interface, said computer-readable medium holding computer - executable instructions for a method, said instructions comprising the steps of:

providing a protocol to enable a plurality of networked devices to send messages to a display device (col. 1, lines 55-60, col. 3, lines 26-46, col. 9, lines 29-48, col. 15, lines 46-56); and

registering a selected one of said networked electronic devices with said display device, prior to said display device displaying any messages from said selected networked electronic device (col. 7, lines 35-43, col. 10, lines 9-58, col. 11, lines 39-56). Nawaz teaches the clients register with servers in order to communicate with each

other. This feature deems to be inherent with the system because in a client-server environment, multiple servers are connected to a client and interchangeable. The client (read as display device) registers with a server (networked electronic device) can be interchangeable for a server registers with a client, vice versa. Since both client and server have to register in order to communicate and exchange information with each other.

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Ishibashi teaches creating a priority message queue on the display device for each networked electronic device that is registered with said display device for each network electronic device registered with the display device, each priority message queue having a priority level assigned to it based on the identity of the registered networked electronic device, each display message received by the display device from a registered networked electronic device being placed in the priority message queue that is assigned to said networked electronic device (figure 6, col. 3, lines 19-48, col. 11, line 61-col. 12, lines 49). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Ishibashi into Nawaz and Davidson system because it would have provided an efficient system to achieve

higher performance and also enhance development efficiency (see Ishibashi col. 3, lines 5-18).

41. As to claim 36, Nawaz teaches the invention as claimed, wherein said network is an Internet Protocol (IP) based network (col. 1, lines 55-60).

42. Claims 21-22 and 34 have similar limitations as claims 4, 6 and 18; therefore, they are rejected under the same rationale.

43. Claims 23-29 and 32-33 have similar limitations as claims 7-13 and 16-17; therefore, they are rejected under the same rationale.

44. Claims 30-31 have similar limitations as claims 14-15; therefore, they are rejected under the same rationale.

### **Conclusion**

45. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

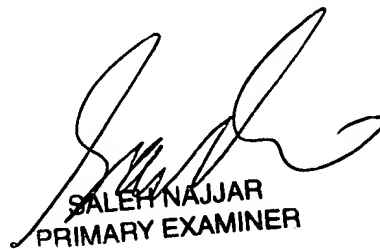
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached at (571) 272-4001.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications.

Thu Ha Nguyen

June 12, 2005



SALEH NAJJAR  
PRIMARY EXAMINER